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Letter dated 24 July 2007 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to enclose herewith a letter addressed to Ricardo Alberto Arias, Permanent Representative of Panama, in his capacity as the Chairman of the Security Council Counter-Terrorism Committee, regarding international cooperation against terrorism.

I would be grateful if the text of this letter could be circulated as a document of the General Assembly, under agenda item 100, and of the Security Council.

(*Signed*) Baki **İlkin**
Ambassador
Permanent Representative

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Annex to the letter dated 24 July 2007 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

24 July 2007

Upon instructions from my Government, I am writing this letter to you in order to bring to your kind attention a recent development that constitutes a serious breach of international cooperation against terrorism. It is about the handling of a series of events in Austria, involving one of the leading members of the PKK (KADEK/KONGRA-GEL) terrorist organization. As such, it violates the obligations of United Nations Member States, arising from the relevant Security Council resolutions, in particular Security Council resolution 1373 (2001).

As you know, the PKK is a terrorist organization proscribed as such by a number of countries and international organizations, including the United States of America and the European Union. It has been waging a vicious terrorist campaign against Turkish interests at home and abroad for more than 20 years, causing the loss of nearly 35,000 people's lives. Its financing comes mainly from drug trafficking and arms smuggling, in addition to extortion, money-laundering, organized crime and various other forms of illegal activity. The money collected from these activities is kept mainly in European States and funnelled therefrom to finance terrorist acts perpetrated by the organization.

A Turkish citizen by the name of Riza Altun, who has been responsible for the management and coordination of PKK's finances in Europe, was arrested in France in February 2007 as a result of the increased cooperation between the French and Turkish security authorities. He was also involved in many terrorist and criminal activities in Turkey. Accordingly, an Interpol arrest warrant was issued for him in 2002 (copy enclosed) through which he was included in an Interpol Red Notice.

Following his arrest in France, the French authorities immediately initiated the necessary judicial proceedings, while, in parallel, the Turkish Ministry of Justice requested his extradition to Turkey. Pending a ruling on the case, he was conditionally released from prison on bail.

However, in the beginning of July, he fled to Austria using forged identification documents. Thereafter, on 4 July, while he was about to board a flight destined for Erbil in the north of Iraq, where the PKK leadership is currently sheltered, he was detained by the Austrian police on charges of document forgery.

In Austria, he was kept under detention for nine days before he was brought to trial on 13 July. In the meantime, however, the Austrian authorities, contrary to established practice, have neither contacted their Turkish counterparts, nor informed Turkey through Interpol. The relevant Austrian court decided on the very same day to release him without charge, despite the Interpol and the European Union arrest warrants issued at the request of Turkey and France, respectively. Then, instead of deporting him either to France, where a court case was still under way, or to Turkey as the country of his nationality, the Austrian authorities arranged his flight to Erbil, Iraq.

The Court's decision and the ensuing arrangements were brought to the knowledge of the Turkish authorities through an Austrian notification to the European Union (Eurojust), and only following his departure to Erbil. We then

immediately took this matter up with the Austrian and French authorities. However, the explanation given by the Austrian authorities was insufficient and unacceptable. We have also asked the Iraqi Government to immediately arrest this person and extradite him to Turkey.

In light of the foregoing, my authorities fail to understand the legal basis of the actions taken by Austria. What transpired between 4 and 13 July was completely of a political nature, which will not only embolden the PKK, but will also send a wrong message to all terrorists worldwide. Indeed, by failing to take the necessary measures to properly "prosecute or extradite" a notorious terrorist, Austria has caused a defect in international cooperation against terrorism, which the terrorists will not hesitate to exploit.

As mentioned above, we have already taken up this issue bilaterally with the Austrian authorities. However, since the issue is directly related to the obligations of Member States emanating from the relevant Security Council resolutions and other international legal instruments, such as the European Convention on Extradition of 1957, the European Convention on Mutual Assistance in Criminal Matters of 1959 and the United Nations Global Counter-Terrorism Strategy adopted by the General Assembly on 8 September 2006, as well as to Austria's own legal obligations arising from the "Agreement Between the Government of the Republic of Turkey and the Federal Government of Austria on the Fight against International Drug Trafficking, International Terrorism and other Organized Crimes" signed on 11 March 1999, we kindly ask you and the Executive Directorate of the Counter-Terrorism Committee to raise this matter with Austria.

Given the recent visit of the Counter-Terrorism Committee to Turkey, where the lack of effective international cooperation was identified as one of the most important deficiencies in the fight against terrorism, we also see this communication as a follow-up to the discussions we had on this matter. Therefore, we will highly appreciate any feedback that you might provide on this issue, as well as on any measures taken to prevent the recurrence of such incidents.

(*Signed*) Baki **İlkin**
Ambassador
Permanent Representative

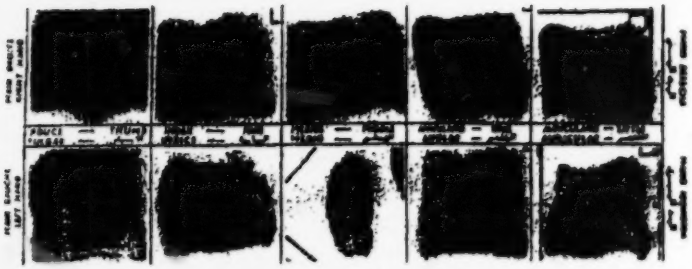
Enclosure

REQUESTING COUNTRY: TURKEY
FILE No.: 2000/40364
DATE OF PUBLICATION: 27 February 2002

CIRCULATION TO THE MEDIA (INCLUDING INTERNET): NO

FUGITIVE WANTED FOR PROSECUTION
AND TO SERVE A SENTENCE

1. **IDENTITY PARTICULARS**



1.1 PRESENT FAMILY NAME: ALTUN
1.2 FAMILY NAME AT BIRTH: N/A
1.3 FORENAMES: Rıza 1.4 SEX: M
1.5 DATE AND PLACE OF BIRTH: 1 January 1956 - Küçük Söbecimen, Turkey
1.6 ALSO KNOWN AS:

Name
ALI
KIVIRCIK

1.7 OTHER DATES OF BIRTH USED: N/A
1.8 FATHER'S FAMILY NAME AND FORENAMES: Aziz
1.9 MOTHER'S MAIDEN NAME AND FORENAMES: Hatice
1.10 IDENTITY CONFIRMED
1.11 NATIONALITY: TURKISH (CONFIRMED)
1.12 IDENTITY DOCUMENTS: N/A
1.13 OCCUPATION: N/A
1.14 LANGUAGES SPOKEN: Turkish
1.15 DESCRIPTION: N/A
1.16 DISTINGUISHING MARKS AND CHARACTERISTICS: N/A
1.17 DNA CODE: N/A
1.18 REGIONS/COUNTRIES LIKELY TO BE VISITED: European countries (France)
1.19 ADDITIONAL INFORMATION: N/A

2. Judicial information

2.1 SUMMARY OF FACTS OF THE CASE: TURKEY:
(A) Between 1995 and 1997, ALTUN as the person responsible for the "Zap" camp situated in Northern Iraq and used by the PKK terrorist organization, managed terrorists who operated under his command. ALTUN was involved in the kidnapping of 4 security officers after an armed assault launched on 15 June 1996.
(B) ALTUN, as a high-level terrorist of the PKK, is also charged with ordering and participating in all the illegal activities such as armed assault, arson and other types of serious crimes carried out by the terrorists under his command. ALTUN has been acting on behalf of the PKK terrorist organization since 11 September 1992.
(C) In June 1977, in Adana Province, ALTUN participated in the attempted murder of a person and in another murder on 26 April 1979 in Gaziantep.

2.2 ACCOMPLICES: N/A

2.3 CHARGE:
(A) Committing crimes on behalf of the PKK terrorist organization (armed assault, kidnapping, etc.)
(B) Committing armed attacks, assaults, arson and other types of serious crimes on behalf of the PKK terrorist organization
CHARGE ON WHICH CONVICTED:
(C) Committing crimes on behalf of the PKK terrorist organization (murder, attempted murder)

2.4 LAW COVERING THE OFFENCE:
(A) Article 168 of the Turkish Penal Code and Article 5 of the Anti-terrorism Law
(B) Articles 31, 33, 102, 103,104 and 125 of the Turkish Penal Code
(C) Articles 112,113, 114, 125, 353 of the Turkish Penal Code and Article 3713 of the Anti-terrorism Law

2.5 MAXIMUM PENALTY POSSIBLE:
(A) 36 years' imprisonment
(B) Death
REMAINDER OF SENTENCE TO BE SERVED:
(C) 7 years 5 months 13 days' imprisonment

2.6 TIME LIMIT FOR PROSECUTION OR EXPIRY DATE OF ARREST WARRANT:
(A) 2 January 2007
(B) 30 years after date of issue of arrest warrant
TIME LIMIT FOR ENFORCEMENT
(C) 4 June 2026

2.7 ARREST WARRANT:
(A) No. 1996/46 MUT, issued on 26 December 1996 in Kayseri, Turkey
(B) No. 2000/84 MUT, issued on 9 March 2000 in Bingol, Turkey
CONVICTION/SENTENCE:
(C) No. 1996/4401 ILAMAT, handed down on 11th July 2000 by the Public Prosecutor of Diyarbakir, Turkey
Name of signatory: N/A
(A) (B) COPY OF ARREST WARRANT AVAILABLE AT THE GENERAL SECRETARIAT IN THE LANGUAGE USED BY THE REQUESTING COUNTRY: NO
(C) RECORD OF CONVICTION/SENTENCE AVAILABLE AT THE GENERAL SECRETARIAT IN THE LANGUAGE USED BY THE REQUESTING COUNTRY: NO

3. ACTION TO BE TAKEN IF TRACED

3.1 IMMEDIATELY INFORM INTERPOL ANKARA (Reference EGM.0.10.03.03.12512-3718/1369 of 4 February 2002) AND THE ICPO-INTERPOL GENERAL SECRETARIAT THAT THE FUGITIVE HAS BEEN FOUND.

3.2 FOR COUNTRIES WHICH CONSIDER RED NOTICES TO BE VALID REQUESTS FOR PROVISIONAL ARREST, PLEASE PROVISIONALLY ARREST THE FUGITIVE.

For countries party to the European Convention on Extradition, this red notice is equivalent to the request to provisional arrest referred to in Article 16

EXTRADITION WILL BE REQUESTED FROM ANY COUNTRY WITH WHICH THE REQUESTING COUNTRY IS LINKED BY A BILATERAL EXTRADITION TREATY, AN EXTRADITION CONVENTION OR BY ANY OTHER CONVENTION OR TREATY CONTAINING PROVISIONS ON EXTRADITION.